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In re Application of CAVALLINI et al
U.S. Application No.: 10/528,378
PCT Application No.: PCT/EP03/10242
Int. Filing Date: 15 September 2003
Priority Date Claimed: 16 September 2002
Attorney Docket No.: 23251
For: METHOD FOR MANUFACTURING AND
CONTROLLING STRUCTURES . . .

DECISION

This is in response to the "Petition Under 37 CFR 1.182" filed 29 August 2005.

BACKGROUND

On 15 September 2003, applicant filed international application PCT/EP03/10242, which claimed priority of an earlier Italy application filed 16 September 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 25 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 16 March 2005.

On 16 March 2005, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission, which was filed by The Firm of Karl F. Ross P.C., indicated "23251" as the attorney docket number and was assigned U.S. Application Number 10/528,378.

On 23 March 2005, applicant filed purported national stage papers in the DO/EO/US. The submission, which was filed by Modiano & Associati, indicated "39907/GM/Ip" as the attorney docket number and was assigned U.S. Application Number 10/528,775.

On 28 June 2005, this Office mailed a communication which indicated that the submission of two separate sets of national stage papers for the same international application was improper.

On 29 August 2005, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The petition states that applicant elects to proceed with the prosecution of the national stage papers filed 16 March 2005. Applicant's explanation for the error is accepted. The papers contained in the file wrapper for U.S. application number 10/528,775 will be merged into the present application.

CONCLUSION

The petition under 37 CFR 1.182 is GRANTED.

The serialization of U.S. application number 10/528,775 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 15 September 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 29 August 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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